

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450



Docket No.: 541,94378 CON6  
Date: June 2, 2004

In re application of: Bob E. Sherwood, et al.  
Serial No.: Not Yet Assigned  
Filed: May 20, 2004  
For: PHARMACEUTICAL EXCIPIENT HAVING IMPROVED COMPRESSIBILITY

Sir:

Transmitted herewith is a **Supplemental Information Disclosure Statement** in the above-identified application.

- ☐ Small entity status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a verified statement previously submitted.
- ☐ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.
- ☒ No fee for additional claims is required.
- ☐ A filing fee for additional claims calculated as shown below, is required:

		(Col. 1)	(Col. 2)	SMALL ENTITY		OR	LARGE ENTITY	
FOR:	REMAINING	HIGHEST		RATE	FEE		RATE	FEE
	AFTER	PREVIOUSLY	PRESENT					
	AMENDMENT	PAID FOR	EXTRA					
TOTAL CLAIMS	* Minus 20** =			x \$ 9	\$		x \$ 18	\$
INDEP. CLAIMS	* Minus 3*** =	0		x \$ 42	\$		x \$ 84	\$
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$140	\$		+ \$280	\$

TOTAL: \$ OR TOTAL: \$

- \* If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

- ☒ Also transmitted herewith are:
- ☐ Petition for extension under 37 C.F.R. 1.136 (in duplicate)
- ☒ Other: Form PTO-1449
- ☐ Check(s) in the amount of \$0.00 is/are attached to cover:
- ☐ Filing fee for additional claims under 37 C.F.R. 1.16
- ☐ Petition fee for extension under 37 C.F.R. 1.136
- ☐ Other: Supplemental Information Disclosure Statement fee under 1.17(p)
- ☐ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- ☐ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
- ☐ Any patent application processing fees under 37 C.F.R. 1.17.
- ☐ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

  
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I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on June 2, 2004.  
DAVIDSON, DAVIDSON & KAPPEL, LLC

BY:

  
Guendoline Decosta



541.94378CON6

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Re: Application of: Bob E. SHERWOOD et al.  
Serial No.: Not Yet Assigned  
Group No.: Not Yet Assigned  
Filed: May 20, 2004  
For: **PHARMACEUTICAL EXCIPIENT HAVING  
IMPROVED COMPRESSIBILITY**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

June 2, 2004

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with the provisions of 37 C.F.R. § 1.97, Applicants hereby make of record the documents listed on the accompanying Form PTO-1449 for consideration by the Examiner in connection with the examination of the above-noted patent application.

Applicants respectfully advise the Examiner of the following related U.S. patents and applications which are commonly assigned to the owners of the instant application:

Parent U.S. Application Serial No. 10/338,361, entitled "Pharmaceutical Excipient Having Improved Compressibility", filed January 8, 2003 (currently allowed), which is a continuation of U.S. Application Serial No. 09/981,319, entitled "Pharmaceutical Excipient Having Improved Compressibility", filed October 16, 2001 (now U.S. Patent No. 6,521,261), which is a continuation of U.S. Application No. 09/754,760, entitled "Pharmaceutical Excipient Having Improved Compressibility", filed January 4, 2001 (now U.S. Patent No. 6,358,533), which is a continuation of U.S. Application Serial No. 09/438,646, entitled "Pharmaceutical

Excipient Having Improved Compressibility”, filed November 12, 1999 (now U.S. Patent No. 6,217,909), which is a continuation of U.S. Application Serial No. 08/992,073, entitled “Pharmaceutical Excipient Having Improved Compressibility”, filed December 17, 1997 (now U.S. Patent No. 6,103,219), which is a continuation of U.S. Application No. 08/724,613, entitled “Pharmaceutical Excipient Having Improved Compressibility”, filed September 30, 1996 (now U.S. Patent No. 5,725,884), which is a divisional of U.S. Application Serial No. 08/370,576, entitled “Pharmaceutical Excipient Having Improved Compressibility”, filed January 9, 1995 (now U.S. Patent No. 5,585,115); and

U.S. Application Serial No. 10/817,335, entitled “Pharmaceutical Excipient Having Improved Compressibility”, filed April 2, 2004, which is a continuation of U.S. Application Serial No. 10/266,518, entitled “Pharmaceutical Excipient Having Improved Compressibility”, filed October 8, 2002 (currently allowed), which is a continuation of U.S. Serial Application No. 09/384,130, entitled “Pharmaceutical Excipient Having Improved Compressibility”, filed August 27, 1999 (now U.S. Patent No. 6,471,994).

Pursuant to 37 C.F.R. § 1.98 (a)(2)(iii), the Examiner’s attention is directed to Exhibit A, attached herewith, which contains the following:

(i) allowed claims of parent U.S. Application Serial No. 10/338,361, for which the issue fee was paid on May 20, 2004, which consists of the same specification as U.S. Patent No. 6,521,261, listed as reference AA on the enclosed Form PTO-1449; and

(ii) pending claims of U.S. Application Serial No. 10/817,335, which consists of the same specification as U.S. Patent No. 6,471,994, listed as reference DE on the Form PTO-1449 submitted on May 20, 2004.

It is respectfully requested that the documents cited on the accompanying Form PTO-1449 be considered and made of record.

It is respectfully submitted that the pending claims are patentable over all the references made of record at this time.

No fee is believed to be due for the submission of this Information Disclosure Statement as it is filed under 37 C.F.R. § 1.97 (b), before the mailing of a first Office Action on the merits or within three (3) months of the actual filing date. The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Attorney Deposit Account No. 50-0552.

Respectfully submitted,  
DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 

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FORM PTO-1449  
(REV. 7-80)U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.:  
541.94378CON6SERIAL NO.:  
Not Yet Assigned

## LIST OF PRIOR ART CITED BY APPLICANT

(Use several sheets if necessary)

APPLICANT(S):  
Bob E. SHERWOOD, et al.FILING DATE:  
May 20, 2004GROUP:  
Not Yet Assigned

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER								DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	6	5	2	1	2	6	1		02/18/2003	Sherwood et al.	424	494	
	AB	6	3	5	8	5	3	3		03/19/2002	Sherwood et al.	424	494	
	AC	6	2	1	7	9	0	9		04/17/2001	Sherwood et al.	424	494	
	AD	6	1	0	3	2	1	9		08/15/2000	Sherwood et al.	424	049	
	AE													
	AF													
	AG													
	AH													
	AI													
	AJ													
	AK													

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER								DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
														YES	NO
	AL														
	AM														
	AN														
	AO														
	AP														
	AQ														
	AR														

## OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AS	
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EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered.  
Include copy of this form with next communication to applicant.